

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

DAVID W. AIKEN, JR. AND MARILYN M. AIKEN

PLAINTIFFS

V.

CIVIL ACTION NO. 1:06cv741-LTS-RHW

RIMKUS CONSULTING GROUP, INC.,  
JAMES W. JORDAN, AND USAA CASUALTY  
INSURANCE COMPANY

DEFENDANTS

**ORDER**

\_\_\_\_\_ Plaintiffs have filed a [319] Motion for Reconsideration of this Court's [316] Order granting in part and denying in part their [307] Motion Seeking Permission to Use Exhibits During Opening Statement for illustrative purposes. The Court did not allow Plaintiffs to publish to the jury "three engineering reports" prepared by the engineers employed by Defendant to evaluate the condition of the house post-storm.

\_\_\_\_\_ The grounds raised in the current motion were not addressed directly in the original. Plaintiffs now specify that defendants raised no objection in the pre-trial order to two of the reports. Nevertheless, the fact remains that the opening statement is not evidence, and is not the time to submit evidence to the jury in a selective manner. Plaintiffs' counsel may refer to these reports during the opening statement, but they will not be given or published to the jury at that time.

Accordingly, **IT IS ORDERED:**

Plaintiffs' [319] Motion for Reconsideration of this Court's [316] Order with respect to their [307] Motion Seeking Permission to Use Exhibits During Opening Statement is **DENIED**.

**SO ORDERED** this the 10<sup>th</sup> day of January, 2008.

s/ L. T. Senter, Jr.  
L. T. SENTER, JR.  
SENIOR JUDGE